



STATE OF MARYLAND

DHMH

Maryland Department of Health and Mental Hygiene

Board Of Physical Therapy Examiners

BOARD MEETING MINUTES

October 20, 2009

The October 20, 2009 meeting was called to order at 1:10 p.m.
by the Chairperson, Margery Rodgers, PT.

Board members present:

John Baker, PT
Ved K. Gupta, Consumer Member
Shirley Leeper, PTA, Vice Chairperson
Lori Mizell, PT
Donald Novak, PT
Lois Rosedom-Boyd, Consumer Member
Stephen Ryan, PT

Also present:

Ann E. Tyminski, Executive Director
Joy E. Aaron, Deputy Director
Patricia Miller, Licensing Coordinator
Sandra Kurland, Board Secretary
Deborah Jackson, Secretary
Ernest Bures, Investigator/Compliance Officer
Linda Bethman, AAG, Board Counsel
Francesca Gibbs, Staff Attorney
Paula Hollinger
Sharon Bloom
Jan Dommerholt, PT
Jennifer Thomas, PT
Sharon Opdyke, PTA
Deborah Parson, PT, Baltimore City Community College PTA Program
Penny Heisler, Executive Director, Acupuncture Board
Richard Bloom, AAG, Acupuncture Board
Tyme Gigliotti, L.A.C., Acupuncture Board
Steve Solomon, L.A.C., Acupuncture Board
Steve Kaufman, L.A.C., Acupuncture Board

Jan Dommerholt, PT, gave a very interesting and informative presentation of dry needling as performed by physical therapists. Maryland was the first State to recognize dry needling as being within the scope of practice of physical therapy and is a form of manual therapy. Physical therapists in Maryland have been allowed to perform dry needling since 1989.

Dry Needling

The agenda was approved with changes.

Agenda

The minutes of the Open Session for September 15, 2009 were approved as amended.

Minutes

Mrs. Tyminski received an e-mail inquiry from Deborah Portney, PT in reference to signing treatments performed by a PTA when not actually present for the treatment. Ms. Portney works for Carroll County Public Schools. The Board stated that a co-signature is not a requirement of our practice act, however she should follow the requirements of the Carroll County Public Schools.

Co-Signature

Lynn Hoyle, PT faxed an inquiry for the Board. She asks about documentation for therapists who have left the facility, and a part-time PT who only works weekends. The Board stated that a PT may write the discharge summary by reviewing the chart for therapists who have left the facility. The PT who is present in the facility may sign for part-time therapists who may not be in the facility.

Documentation

Sonya Johnson-Branch, PTA, was instructed by her employer that a PTA must be under direct supervision of a PT when treating any patient with Medical Assistance insurance. The Board stated that the PT must abide by the insurance company's requirements as long as it is not in conflict with the practice act.

PTA Supervision

Jerod Felice, PT sent an inquiry to the Board in reference to starting his own cash based private practice and the laws governing corporation names. He asked if there are any restrictions on the name of the corporation. The Board stated that if the physical therapist's name is used, there are no restrictions. Any other name for a Professional Corporation or Professional Association would have to be approved by the Board and the APTA. LLC's are exempt from this requirement. Mrs. Tyminski will respond to his inquiry.

Corporation
Names

Mrs. Tyminski received an inquiry from Michele Uhler, PT in reference to Medicare and Medicaid supervision requirements for PTAs. The practice act states; 13-310(b) "A licensed physical therapist assistant may practice limited physical therapy only under the direction of a licensed physical therapist who gives ongoing supervision and instruction that is adequate to ensure the safety and welfare of the patient." If an insurance company requires direct supervision, the practice will need to comply with those requirements.

Supervision
Requirements

Mrs. Tyminski received a letter from the Board of Physicians asking for information from the Board on a matter that is currently being reviewed by them. There were several questions regarding physical therapist assistants, techs and aides in performing electrical stimulation. Also, the inquiry included supervision of the physical therapist assistant by a physician. Mrs. Tyminski will write a response.

Board of
Physicians

An inquiry received from Krystal Federici, PT inquiring what CPT codes to use for aquatic physical therapy was discussed. The Board stated that she should be referred to the APTA Reimbursement Committee.

CPT Codes

The Board received an invitation to the District of Columbia PT Board for their celebration of "Physical Therapy Month", on Wednesday, October 28, 2009. Ms. Rodgers indicated she might be able to attend. No one else is available.

Invitation

Joy Aaron and Shirley Leeper, PTA, Board Vice-Chair, gave an update on the 2009 CEU Audit. Jamie Hughes, PT and Charles Wilson, PT did not submit their CEU's for the audit.

CEU Audit

Jamie Hughes, PT is working as a sales representative and not practicing physical therapy.

Charles Wilson, PT is practicing as a Podiatrist.

The status of both of the above is non-renewed.

Shirley Leeper, PTA, Board Vice-Chair requested that an ad hoc committee be formed to study the issue of tests performed by physical therapist assistants. The Board agreed that Ms. Leeper work on forming such a Committee which would report its findings and recommendations to the Board early next year.

Ad Hoc
Committee

Reports

A copy of a meeting with the Veterinary Board of Examiners on September 24, 2009, from the Animal Rehab Task force, was given to the Board for review.

Animal Rehab
Task Force

Income summaries were distributed.

Income
Summaries

Board members reported on their visit to Walter Reed Hospital Outpatient PT Department.

Walter Reed
Hospital

Mrs. Tyminski distributed a report on the FSBPT Annual Meeting in San Diego, October 1-3, 2009 for review.

FSBPT
Annual Meeting

Margery Rodgers, PT, Board Chair and Lori Mizell, PT presented reports on the FSBPT Annual Meeting in San Diego, October 1-3, 2009 for the sessions they attended. Ms. Mizell stated that she also has handouts from all sessions, should anyone like to review them. She spoke about the delegate assembly, new officers elected, by-laws changes and the PROBE program that she highly recommends the Board take advantage of for licensees who have violated ethics standards. Ms. Rodgers reported that the theme of much of the meeting was geared to finding ways for more ease in movement of physical therapists throughout the world.

FSBPT
Annual Meeting

Linda Bethman, AAG reported on the FARB Attorney's Certification meeting. She stated that from an attorney's standpoint the meeting was very relevant, and one of the best sessions was a presentation on the updated ADA law. Ms. Gibbs, Staff Attorney, also attended the meeting. Shirley Leeper, PTA, Board Vice Chair reported that the FARB meeting was very interesting and enlightening. She stated that it was geared to legal counsel for regulatory boards rather than to issues that are presented to Board members.

FARB
Meeting

Shirley Leeper, PTA, Board Vice Chair, reported on the APTA Board of Directors Meeting held on August 26, 2009. The APTA Code of Ethics and the Standards of Practice for PTAs have been revised, and will go into effect on July 1, 2010.

APTA BOD
Meeting

Joy Aaron gave an update on our revised web site. The laws and regulations are now online. The application dates are now listed on the continuing education courses. All licensees are on the verification page, not just those holding active licenses.

Web Site

Ann Tyminski reported on the recent state budget cuts. It has been mandated that 3% be deducted from our budget, and we can expect more cuts in the future. State employees are furloughed and have salary reductions. Ms. Hollinger explained these are unusual times and all states are having fiscal problems. Whether an agency is special funded or not, monies will be taken during the budget process.

Budget Cuts

Continuing Education

Jack's Brain, Jill's Brain: Why Gender Difference Matter was denied by the Board as the course is not appropriate for PTs. The Board felt that this course was targeted toward caretakers and educators.

CEU Courses

Body Mechanics: From Effort and Strain to Ease and Flow was approved by the Board.

Information

The Board was given a pamphlet, Changes in Healthcare Professions' Scope of Practice: Legislative Considerations, for review.

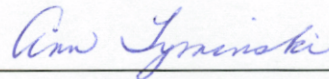
A copy of the letter from DHMH Minority Health and Health Disparities (MHHD) was given to the Board for review.

A copy of a letter from Lake Superior College in reference to an online refresher course for PTAs was given to the Board for review.

A copy of the FSBPT, ProBe-PT, an ethics remediation course for Physical Therapists and Physical Therapist Assistants was given to the Board for review. This is the course that Ms. Mizell highly recommended be used when licensees violate standards of ethics.

The Board unanimously voted to close the open session at 4 p.m. for the purpose of engaging in medical review committee deliberations of physical therapist applications in accordance with State Government Article S10-50 8(a) (13).

Respectfully submitted,



Ann Tyminski, Executive Director

11-17-09
Date approved


Margery F. Rodgers, Chairperson